

REMARKS

This communication is in response to the non-final Office Action issued July 13, 2005. The Examiner rejected claims 1-13 under 35 U.S.C. §§ 102, 103 in view of U.S. Patent No. 5,299,807 to Hutin (Hutin).

Claim Rejections

On pages 2-4 of the Office Action, the Examiner rejected claims 1-13 under 35 U.S.C. §§ 102, 103 in view of Hutin.

The Applicant has amended independent claim 1 above to include the recitations of claim 9, which has been canceled. Claim 1 now requires the dampening member to have a thickness from approximately 0.02 inch to approximately 1 inch. In rejecting claim 9, the Examiner stated “Hutin notes that the thickness of the dampening member is no more than 0.5mm, which is approximately 0.02 inches (See Column 2, lines 48 through 55).” The Applicant respectfully traverses the Examiner’s statement and characterization of the Hutin reference. Hutin actually states

It has been found that a visco-elastic sheet *must* be less than 0.5 mm thick and preferably be between 0.1 and 0.5 mm thick. If the thickness is less than 0.1 mm, the effects are vanishingly small. On the other hand, *if the thickness exceeds 0.5 mm, there is loss in efficiency, and moreover surface degradation is caused by impact of golf balls.* Good results are achieved with a sheet about 0.3 mm thick.

Col. 2, lines 48-55 (emphasis added). Hutin explicitly states that the dampening layer must be less than 0.5 mm thick and the Examiner’s statements to the contrary are in direct contrast to this express teaching of Hutin. Thus, the Examiner’s rejections are improper and must be withdrawn.

Regarding claim 10, the Applicant further traverses the Examiner’s rejection. The Examiner’s proffered modification of the Hutin golf club is even further in contrast to the explicit teachings of Hutin.

In view of the foregoing, the Examiner's rejections of the claims are believed to be overcome.

Newly Added Claims

The Applicant has added new claims 19-20. No new matter is added by these new claims. See, for example, the drawing figures.

Additional Fees

The Commissioner is hereby authorized to charge any insufficiency or credit any overpayment associated with this application to Swidler Berlin LLP Deposit Account No. 19-5127 (order no. 20003.0080).

Conclusion

Claims 9 and 14-18 have been canceled, claims 1 and 10 have been amended, and claims 19 and 20 have been added. Claims 1-8, 10-13, 19 and 20 are pending in the application, and are believed to be in condition for allowance. In view of the foregoing, all of the Examiner's rejections of the claims are believed to be overcome. The Applicant respectfully requests reconsideration and issuance of a Notice of Allowance for all claims. Should the Examiner feel

further communication would help prosecution, the Examiner is urged to call the undersigned at the telephone number provided below.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Sean P. O'Hanlon". The signature is fluid and cursive, with the first name "Sean" and last name "O'Hanlon" clearly distinguishable.

Sean P. O'Hanlon
Reg. No. 47,252

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